IN THE UNITED	STATES	PATENT	AND	TRADEMARK	OFFICE
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interatent application of:)	
)	Before the Examiner
David W. Burke et al.)	
)	Not Yet Assigned
Serial No. 10/687,958)	Curren Art IInit 1742
)	Group Art Unit 1743
Filed October 17, 2003)	
AVATEL AND METHOD FOD)	
SYSTEM AND METHOD FOR)	
ANALYTE MEASUREMENT USING)	
DOSE SUFFICIENCY ELECTRODES)	February 11, 2005

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

#334443

FB 2 2 2005

Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation Form. This information has not been previously submitted in this application, and has not been heretofore cited previously by the Examiner. Copies of all foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a). Copies of cited U.S. patents and patent applications are not enclosed pursuant to 37

CFR 1.491(b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
February 11, 2005
Date of Deposit
Troy J. Cole
Name of Registered Representative
Rue al
Signature February 11, 2005
Date of Signature

For items of information contained in this Statement that are not in the English language, under (3)(i) these items are understood to be relevant in that they relate to biosensors and were included in the results of searches conducted on behalf of Applicants.

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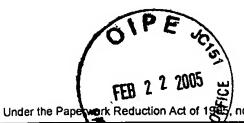
The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. However, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

Respectfully submitted

By:

Troy J. Cole Reg. Nol 35,102 Woodard, Emhardt, Moriarty, McNett & Henry LLP Bank One Center/Tower 111 Monument Circle, Suite 3700 Indianapolis, Indiana 46204-5137 (317) 634-3456



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tute for form 1440 APAR	EMART.			Complete if Known	
tute for form 1449ARAP			Application Number	10/687,958	
IFORMATION DISCLOSURE TATEMENT BY APPLICANT			Filing Date	October 17, 2003	
			First Named Inventor	David W. Burke	
			Group Art Unit	1743	
(use as many sheets as necessary)		Examiner Name			
1 of 38		Attornev Docket Number	7404-557		

			U.S. PATEN	T DOCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		3,526,480	09/01/1970	Findl et al.	
		3,551,295	12/29/1970	Dyer	
		3,621,381	11/16/1971	Eckfeldt	······································
<u> </u>		3,715,192	02/06/1973	Wenz et al.	
		3,720,093	03/13/1973	Gill	
		3,763,422	10/02/1973	MacPhee et al.	
		3,770,607	11/06/1973	Williams	
		3,776,832	12/04/1973	Oswin et al.	
		3,838,033	09/24/1974	Mindt et al.	
		3,902,970	09/02/1975	Levin	
	{	3,919,627	11/11/1975	Allen	
		3,925,183	12/09/1975	Oswin et al.	
		3,937,615	02/10/1976	Clack et al.	
	<u> </u>	3,980,437	09/14/1976	Kishimoto et al.	
	<u> </u>	4,005,002	01/25/1977	Racine et al.	
		4,008,448	02/15/1977	Muggli	
	<u> </u>	4,040,908	08/09/1977	Clark, Jr.	
		4,053,381	10/11/1977	Hamblen et al.	

	Cite	Foreign Patent Document	Publication Date	Name of Patentee or Application of Cited	Pages, Columns, Lines, Where Relevant Passages or Relevant	T
	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	Document	Figures Appear	
		AU 737 787	08/30/2001	Batman et al.		
		DE 36 43 263	07/07/1988	Hommel Host		
		DE 40 11 428 A1	11/29/1990	Kühn et al.		
	·	DE 298 14 997 U1	08/03/1993	LRE		
		DE 199 36 693	02/08/2001	LRE		
		EP 0 010 456	04/30/1980	Columbus		
	<u> </u>	EP 0 034 049	08/19/1981	Columbus		
		EP 0 057 110	08/04/1982	Columbus		

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² See Kinds Codes of USPTO Patent Documents at <u>www.uspto.gov</u> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the ap0propriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark Applicant's unique citation designation number (optional). here if English language Translation is attached.

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Substitute	Substitute for form 1449A/PTO			Application Number	10/687,958	
INF	ORMATION	DISCL	OSURE	Filing Date	October 17, 2003	
ST	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke	
				Group Art Unit	1743	
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			U.S. PATEN	TDOCUMENTS		
Examiner Cite Initials* No. ¹		Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
		4,065,263	12/27/1977	Woodbridge, III		
		4,086,631	04/25/1978	Vick		
		4,123,701	10/31/1978	Josefsen et al.		
		4,127,448	11/28/1978	Schick et al.		
		4,184,936	01/22/1980	Paul et al.		
		4,214,968	07/29/1980	Battaglia et al.		
		4,217,196	08/12/1980	Huch		
		4,224,125	09/23/1980	Nakamura et al.		
<u></u>	· · · · · · · · · · · · · · · · · · ·	4,225,410	09/30/1980	Pace		
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		4,263,343	04/21/1981	Kim		
		4,265,250	05/05/1981	Parker		
		4,273,134	06/16/1981	Ricciardelli		
		4,273,639	06/16/1981	Gottermeier		
		4,297,569	10/27/1981	Flies		
		4,301,412	11/17/1981	Hill et al.		

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	No.'	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-TTTT	Document	Figures Appear	
		EP 0 073 056 A2	03/02/1983	Van		
		EP 0 084 874 A1	08/03/1983	Klesewetter		
	·	EP 0 101 880	03/07/1984	Preidel et al.		
	<u>-</u>	EP 0 127 958 B2	04/10/1996	Higgins et al.		
		EP 0 132 790 A2	02/13/1985	Kasielke et al.		
		EP 0 164 180	12/11/1985	Blake et al.		
		EP 0 171 148	02/12/1986	Shanks et al.		
		EP 0 171 239	02/12/1986	Ikeda et al.		

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ST	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke
				Group Art Unit	1743
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			U.S. PATEN	TDOCUMENTS	
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		4,303,887	12/01/1981	Hill et al.	
		4,323,536	04/06/1982	Columbus	
		4,329,642	05/11/1982	Luthi et al.	
		4,366,033	12/28/1982	Richter et al.	
		4,407,290	10/04/1983	Wilber	
		4,407,959	10/04/1983	Tsuji et al.	
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		4,477,314	10/16/1984	Richter et al.	
		4,477,575	10/16/1984	Vogel et al.	
		4,499,423	02/12/1985	Matthiessen	
		4,510,383	04/09/1985	Ruppender	
	1	4,517,291	05/14/1985	Seago	

Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or Application of Cited	Pages, Columns, Lines, Where Relevant Passages or Relevant	тª
Initials*	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	Document	Figures Appear	\vdash
<u> </u>		EP 0 186 286	07/02/1986	Nylander et al.		
		EP 0 206 218 B1	06/03/1991	Wogoman		
		EP 0 213 343 B2	02/01/1995	Young et al.		
		EP 0 230 472 B2	12/13/2000	Nankai et al.		
		EP 0 241 309 A2	10/14/1987	Walton et al.		
		EP 0 244 326 B1	08/18/1993	Colin et al.		
	<u> </u>	EP 0 255 291 B1	06/24/1992	Birch et al.		
<u>_,</u>	<u> </u>	EP 0 287 883	10/26/1988	Blatt		

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Substitute	Substitute for form 1449A/PTO			Application Number	10/687,958		
INF	ORMATION	DISCL	OSURE	Filing Date	October 17, 2003		
ST	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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Sheet	4	of	38	Attornev Docket Number	7404-557		

			U.S. PATEN	T DOCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		4,545,382	10/08/1985	Higgins et al.	
		4,547,735	10/15/1985	Kiesewetter et al.	
		4,552,458	11/12/1985	Lowne	
		4,571,292	02/18/1986	Liu et al.	
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		4,592,893	06/03/1986	Poppe et al.	
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	-	4,642,295	02/10/1987	Baker	
		4,648,665	03/10/1987	Davis et al.	
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		4,671,288	06/09/1987	Gough	
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		4,679,562	07/14/1987	Luksha	
		4,682,602	07/28/1987	Prohaska	
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		4,703,017	10/27/1987	Campbell et al.	
		4,703,756	11/03/1987	Gough et al.	

Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or Application of Cited	Pages, Columns, Lines, Where Relevant Passages or Relevant	τ ⁴
Initials*	No.'	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	Document	Figures Appear	
······································		EP 0 359 831	03/28/1990	Nankai et al.		
		EP 0 383 322 B1	02/05/1997	Seshimoto et al.		
		EP 0 417 796 B1	11/23/1994	Ishihara et al.		
		EP 0 470 649 B1	06/02/1999	Unilever et al.		
		EP 0 471 986 A2	02/26/1992	Nankai et al.		
		EP 0 471 986 A3	04/29/1992	Nankai et al.		
		EP 0 471 986 B1	10/18/1995	Nankai et al.		
		EP 0 537 761 A3	02/02/1994	Yoshioka et al.		

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				Complete if Known			
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INFOF	RMATION	DISCLO	OSURE	Filing Date	October 17, 2003		
STAT	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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Sheet	5	of	38	Attornev Docket Number	7404-557		

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
		4,711,245	12/08/1987	Higgins et al.		
		4,713,347	12/15/1987	Mitchell et al.		
		4,714,874	12/22/1987	Morris et al.		
		4,731,726	03/15/1988	Allen, III		
		4,734,184	03/29/1988	Burleigh et al.		
		4,750,496	06/14/1988	Reinhart et al.		
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		4,795,542	01/03/1989	Ross et al.		
		4,797,256	01/10/1989	Watlington, IV		
		4,805,624	02/21/1989	Yao et al.		
· · · · ·	<u> </u>	4,806,311	02/21/1989	Greenquist		
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	1	4,810,203	03/07/1989	Komatsu		
		4,816,224	03/28/1989	Vogel et al.		
		4,820,399	04/11/1989	Senda et al.		
	1	4,820,636	04/11/1989	Hill et al.		
		4,832,814	05/23/1989	Root		

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Initials*	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	Document	Figures Appear	\bot
		EP 0 537 761 B1	08/27/1997	Yoshioka et al.		
		EP 0 546 536	06/16/1993	Yenoyama et al.		
		EP 0 636 880 A2	02/01/1995	Nankai et al.		
		EP 0 640 832	03/01/1995	Hughes Aircraft		
		EP 0 651 250 A2	05/03/1995	Hyodo et al.		
		EP 0 732 406 A1	09/18/1996	Ikeda et al.		
		EP 0 732 590 A2	09/18/1996	Charlton et al.		
		EP 0 741 186 B1	10/17/2001	Genshaw et al.		

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Sheet	6	of	38	Attornev Docket Number	7404-557		

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Examiner C Initials* N	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Relevant Passages or Relevant Figures Appear
		4,834,234	05/30/1989	Sacherer et al.	
		4,849,330	07/18/1989	Humphries et al.	
		4,865,873	09/12/1989	Cole, Jr. et al.	
		4,877,580	10/31/1989	Aronowitz et al.	
		4,897,162	01/30/1990	Lewandowski et al.	
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		4,919,770	04/24/1990	Preidel et al.	
		4,927,516	05/22/1990	Yamaguchi et al.	
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		4,938,860	07/03/1990	Wogoman	
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		4,954,087	09/04/1990	Lauks et al.	
`·		4,956,275	09/11/1990	Zuk et al.	
		4,963,814	10/16/1990	Parks	
		4,970,145	11/13/1990	Bennetto et al.	
		4,975,647	12/04/1990	Downer et al.	

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	No.'	Country Code ³ -Number ⁴ -Kind Code ⁸ (if known)	MM-DD-YYYY	Document	Figures Appear	
		EP 0 837 320 A3	12/301998	Howard, III		
		EP 0 840 122 A2	05/06/1998	Charlton et al.		
		EP 0 851 224	07/01/1998	Ikeda et al.		
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		EP 0 878 713	11/18/1998	Bayer AG		
		EP 0 887 421 A1	12/30/1998	Matzinger et al.		
		EP 0 894 509 A2	02/03/1999	Herman		

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		4,976,724	12/11/1990	Nieto et al.	
	_	4,999,582	03/12/1991	Parks et al.	
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		5,018,164	05/21/1991	Brewer et al.	
		5,019,974	05/28/1991	Beckers	
		5,035,862	07/30/1991	Dietze et al.	
<u></u>	<u> </u>	5,039,618	08/13/1991	Stone	
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		5,066,372	11/19/1991	Weetall	
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Substitut	Substitute for form 1449A/PTO		Application Number	10/687,958	
INF	ORMATION	DISC	LOSURE	Filing Date	October 17, 2003
ST	ATEMENT B	Y AP	PLICANT	First Named Inventor	David W. Burke
				Group Art Unit	1743
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Sheet	8	of	38	Attornev Docket Number	7404-557

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Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Relevant Passages or Relevant Figures Appear			
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Substitute	Substitute for form 1449A/PTO			Application Number	10/687,958	
INFC	ORMATION	DISCL	.OSURE	Filing Date	October 17, 2003	
STA	TEMENT B	Y APP	LICANT	First Named Inventor	David W. Burke	
				Group Art Unit	1743	
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Substitute	for form 1449A/F	то		Application Number	10/687,958		
INFO	ORMATION	DISC	LOSURE	Filing Date	October 17, 2003		
STA	TEMENT B	Y AP	PLICANT	First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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		WO 92/15859	09/17/1992	Adrian et al.		
		WO 92/15861	09/17/1992	Grant et al.		

Examiner	Date
Signature	Considered

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Substitute	for form 1449A/F	то		Application Number	10/687,958	
INFO	ORMATION	DISCI	LOSURE	Filing Date	October 17, 2003	
STA	TEMENT BY	Y APF	PLICANT	First Named Inventor	David W. Burke	
				Group Art Unit	1743	
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Sheet	15	of	38	Attornev Docket Number	7404-557	

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Initials*	No.'	Country Code ³ -Number ⁴ -Kind Code ⁴ (if known)	MM-DD-YYYY	Document	Figures Appear	
		WO 92/15950	09/17/1992	Arbuckle et al.		
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		WO 93/09433	05/13/1993	Gharib		
		WO 94/12950	06/09/1994	Holmes et al.		
		WO 94/16095	07/21/1994	Zweig		
		WO 94/23295	10/13/1994	McAleer et al.		
		WO 94/28414	12/08/1994	Athey et al.		
		WO 94/29705	12/22/1994	White et al.		

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Substitute for	Substitute for form 1449A/PTO			Application Number	10/687,958		
INFO	RMATION	DISCL	OSURE	Filing Date	October 17, 2003		
STAT	EMENT B	Y APPL		First Named Inventor	David W. Burke		
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Sheet	16	of	38	Attornev Docket Number	7404-557		

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		WO 95/03542	02/02/1995	Scott et al.		
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			,	Group Art Unit	1743	
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Sheet	17	of	38	Attornev Docket Number	7404-557	

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Substitute f	Substitute for form 1449A/PTO			Application Number	10/687,958
INFO	RMATION	DISC	LOSURE	Filing Date	October 17, 2003
STA	EMENT B	Y AP	PLICANT	First Named Inventor	David W. Burke
				Group Art Unit	1743
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Substitute	Substitute for form 1449A/PTO			Application Number	10/687,958		
INF	ORMATION	DISCL	OSURE	Filing Date	October 17, 2003		
STA	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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Examiner	Date
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STA	TEMENT B	Y APPI	LICANT	First Named Inventor		
				Group Art Unit	1743	
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Examiner Initials*	Cite	Document Number	Publication Date	Name of Patentee or Application of Cited Document	Relevant Passages or Relevant				
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·		WO 99/12008	03/11/1999	Zweig et al.		
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INFC	RMATION	DISCL	OSURE	Filing Date	October 17, 2003		
STA	TEMENT B	Y APP	LICANT	First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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STA	TEMENT B	Y APPL		First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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				Group Art Unit	1743	
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				Group Art Unit	1743
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	·	WO 01/84142	11/08/2001	Eden et al.		
		WO 01/88524	11/22/2001	Heller et al.		
		WO 01/92857	12/06/2001	Debreczeny et		
		WO 01/95806	12/20/2001	Moerman		
		WO 01/96596	12/20/2001	Guo et al.		
		WO 02/00112 A2	01/03/2002	Cohen et al.		
		WO 02/054055 A1	07/11/2002	Jin et al.		
		WO 02/057767 A1	07/25/2002	Watanabe et al.		

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Substitute for form 1449A/PTO				Application Number	10/687,958	
INF	ORMATION	DISCL	OSURE	Filing Date	October 17, 2003	
STA	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke	
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Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
		6,560,471	05/06/2003	Heller et al.			
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INF	ORMATION	DISC	LOSURE	Filing Date	October 17, 2003	
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	<u> </u>	6,605,200	08/12/2003	Mao et al.				

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		WO 02/078512 A2	10/10/2002	Drucker et al.		<u> </u>
		WO 02/078533	10/10/2002	Moerman et al.		
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		WO 02/097418	12/05/2002	Taniike et al.		

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<i>"</i>	·	2003 0155237	08/21/2003	Surridge et al.				
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		WO 02/32559	04/25/2002	Stiene et al.		
		WO 02/48707	06/20/2002	Ohara et al.		

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				Group Art Unit	1743	
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		WO 02/49507	06/27/2002	Stiene et al.		
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·		WO 02/103343 A1	12/27/2002	Nakaminami et		
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		WO 03/015627	02/27/2003	Moerman et al.		

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INF	ORMATION	DISCL	OSURE	Filing Date	October 17, 2003		
STA	STATEMENT BY APPLICANT			First Named Inventor	David W. Burke		
				Group Art Unit	1743		
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		2004 0005721	01/08/2004	Tanike et al.	
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*		WO 03/015629	02/27/2003	Moerman et al.		
- *		WO 03/021706 A1	03/13/2003	Higuchi et al.		
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· · · ·		WO 03/029804	04/10/2003	Arkray		
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				Group Art Unit	1743
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					Application Number	10/687,958			
				LOSURE	Filing Date	October 17, 2003			
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					Group Art Unit	1743			
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				First Named Inventor	David W. Burke	
				Group Art Unit	1743	
				Examiner Name		
Sheet	38	of	38	Attorney Docket Number	7404-557	

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